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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,113	10/25/2001	Allan Charles Acciacca	DP-305859	7686

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EXAMINER
FLANDRO, RYAN M

ART UNIT	PAPER NUMBER
3679	3

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/033,113	ACCIACCA, ALLAN CHARLES	
	Examiner	Art Unit	
	Ryan M Flandro	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence addr ss --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *9 and 10* is/are allowed.

6)☒ Claim(s) *1-5 and 8* is/are rejected.

7)☒ Claim(s) *6 and 7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 5 is objected to because of the following informalities: recitation of the limitation that "the retaining slot is shaped to inhibit escape of the cable transverse to its axis" renders the claim indefinite because it is unclear whether "its" is referring to the retaining slot or to the cable. For purposes of Examination, the Examiner has read this limitation as transverse to the axis **of the cable**. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lundeen (US 4,847,973).

a. Claim 1. Lundeed specifically shows a cable attachment for attaching a cable **25** to an end portion of a member **11** comprising the member **11** having an open ended loading slot **12** that extends into the end portion of the member **11** to an inner end forming separate cantilevered fingers **F1, F2** on opposite sides of the loading slot **12**, the loading slot **12** spanning the separate fingers **F1, F2** to form openings between the fingers **F1, F2** at opposite sides of the end portion, the end portion having a retaining slot **20, 21, 19** that is transverse to the loading slot **12**, the loading slot **12** having an inner end portion

and the retaining slot having an outer end portion that overlaps the inner end portion of the loading slot **12**, the end portion having a first transition slot **T1** that extends from one of the opposite sides **22** of the end portion through one of the fingers **F1** into the inner end portion of the loading slot **12** and the overlapping outer end portion of the retaining slot **20, 21, 19**, the end portion having a second transition slot **T2** that extends from another of the opposite sides **22** of the end portion through another of the fingers **F2** into the inner end portion of the loading slot **12** and the overlapping outer end portion of the retaining slot **20, 21, 19**, and the cable **25** extending through the retaining slot **20, 21, 19** and having a ferrule **24** that engages a surface of the end portion adjacent the retaining slot **20, 21, 19** for moving the member **11**, the cable **25** being moveable axially in the retaining slot **20, 21, 19** to form a lost motion attachment with the end portion of the member **11** (see figures1-5 and 9A, 9B, 9D, and 9E and annotated figure 9C below; column 3 line 40 – column 4 line 61).

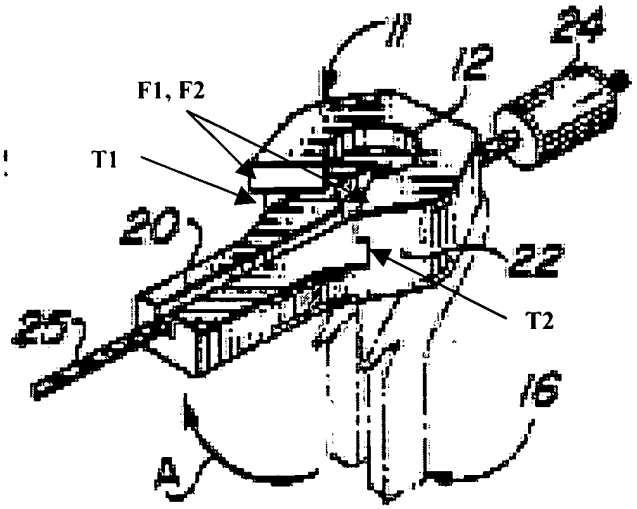

FIG. 9C

b. Claim 2. Lundeed, as applied to claim 1 above, also shows the cable **25** loaded into the retaining slot **20, 21, 19** through the loading slot **12** and the first and the second transition slots T1, T2 (see annotated figure 9C above).

c. Claim 3. Lundeed also shows the second transition slot **T2** is coplanar with the first transition slot **T1** (see annotated figure 9C above – plane parallel to surface **11**).

d. Claim 4. Lundeed also shows the retaining slot as being linear (see annotated figure 9C above).

e. Claim 5. Lundeed also shows that the retaining slot **20, 21, 19** is shaped to inhibit escape of the cable **25** transverse to its axis (see especially figure 9B).

f. Claim 8. Lundeed, as applied above, shows a cable attachment for attaching a cable **25** to an end portion of a moveable member **11** comprising the member **11** having an open ended loading slot **12** that extends into the end portion of the member **11** to an inner end forming separate cantilevered fingers **F1, F2** on opposite sides of the loading slot **12**, the loading slot **12** spanning the separate fingers **F1, F2** to form openings between the fingers **F1, F2** at opposite sides of the end portion, the end portion having a retaining slot **20, 21, 19** that is perpendicular to the loading slot **12**, the loading slot **12** having an inner end portion and the retaining slot **20, 21, 19** having an outer end portion that overlaps the inner end portion of the loading slot **12**, the end portion having a first transition slot **T1** that is perpendicular to the loading slot **12** and the retaining slot **20, 21, 19** and that extends from one of the opposite sides **22** of the end portion through one of the fingers **F1** into the inner end portion of the loading slot **12** and the overlapping outer end portion of the retaining slot **20, 21, 19**, the end portion having a second transition slot **T2** that is aligned with the first transition slot **T1** and that extends from another of the opposite sides **22** of the end portion through another of the fingers **F2**

into the inner end portion of the loading slot **12** and the overlapping outer end portion of the retaining slot **20, 21, 19**, and the cable **25** extending through the retaining slot **20, 21, 19** and having a ferrule **24** that engages a surface of the end portion adjacent the retaining slot **20, 21, 19** for moving the member **11**, the cable **25** being moveable axially in the retaining slot **20, 21, 19** to form a lost motion attachment with the end portion of the moveable member **11** (see figures1-5 and 9A, 9B, 9D, and 9E and annotated figure 9C above; column 3 line 40 – column 4 line 61).

Allowable Subject Matter

4. Claims 9 and 10 allowed.

5. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

a. Claim 6. The prior art, including Lundeen, either alone or in combination, fails to disclose or teach that the outer end portion of the retaining slot is linear and the retaining slot has a linear inner end portion and ***a curved intermediate portion that inhibits movement of the cable transversely in the retaining slot between the linear inner end portion and the linear outer end portion***. Claim 7 depends from claim 6 and is, therefore, indicated as allowable for the same reasons.

b. Claim 9. The prior art, including Lundeen, either alone or in combination, fails to disclose or teach the step of ***rotating the end length of the cable in a planar fashion through the first and the second transition slots*** until the length of the cable is aligned with the retaining slot. Claim 10 depends from claim 9 and is, therefore, allowable for the same reasons.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to cable attachments:

U.S. Patent 6,474,190 to Choo

U.S. Patent 5,927,895 to Watanabe

U.S. Patent 5,816,109 to Dege

U.S. Patent 5,671,639 to Wagner et al.

U.S. Patent 5,431,256 to Wen

U.S. Patent 5,246,303 to Trilla et al.

U.S. Patent 5,142,935 to Carr

U.S. Patent 4,876,948 to Yasukawa et al.

U.S. Patent 4,850,084 to Iwasaki

U.S. Patent 4,533,276 to Stidham

U.S. Patent 4,452,360 to Barnes

U.S. Patent 4,185,863 to Larson et al.

U.S. Patent 3,542,408 to Lowrey

U.S. Patent 3,399,605 to Landers et al.

U.S. Patent 3,100,323 to Baker

U.S. Patent 3,066,371 to Mullens

U.S. Patent 2,511,283 to McGovern

U.S. Patent 2,291,649 to Roberts

U.S. Patent 2,032,567 to Fiege

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M Flandro whose telephone number is (703) 305-6952. The examiner can normally be reached on 8:30am - 5:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ryan M. Flandro
February 14, 2003

Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3670